



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

1320 NORTH EASTERN AVENUE
LOS ANGELES, CALIFORNIA 90063-3294
(323) 881-2401

P. MICHAEL FREEMAN
FIRE CHIEF
FORESTER & FIRE WARDEN

September 28, 2010

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**ORDINANCE AMENDING TITLE 12 (ENVIRONMENTAL PROTECTION) OF THE
LOS ANGELES COUNTY CODE RELATING TO FEES AND REQUIREMENTS FOR
THE HAZARDOUS WASTE GENERATOR/TIERED PERMITTING, HAZARDOUS
MATERIALS HANDLER, AND CALIFORNIA ACCIDENTAL RELEASE PREVENTION
PROGRAM PERMITS AND TO ADD THE ABOVEGROUND PETROLEUM STORAGE
ACT PROGRAM AND ASSOCIATED FEES
(ALL DISTRICTS) (3 VOTES)**

SUBJECT

Proposed ordinance amending Title 12 (Environmental Protection) of the Los Angeles County Code by revising the fees for the hazardous materials, hazardous waste, site mitigation, and the California Accidental Release Prevention (Cal-ARP) programs; changing the method for determining the timing of a late payment; adding a new permitting program and associated fees for aboveground petroleum storage tanks; and, raising the reporting threshold for carbon dioxide.

SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS
ARTESIA
AZUSA
BALDWIN PARK
BELL
BELL GARDENS
BELLFLOWER
BRADBURY

CALABASAS
CARSON
CERRITOS
CLAREMONT
COMMERCE
COVINA
CUDAHY

DIAMOND BAR
DUARTE
EL MONTE
GARDENA
GLEN DORA
HAWAIIAN GARDENS
HAWTHORNE

HIDDEN HILLS
HUNTINGTON PARK
INDUSTRY
INGLEWOOD
IRWINDALE
LA CANADA FLINTRIDGE
LA HABRA

LA MIRADA
LA PUENTE
LAKEWOOD
LANCASTER
LAWDALE
LOMITA
LYNWOOD

MALIBU
MAYWOOD
NORWALK
PALMDALE
PALOS VERDES ESTATES
PARAMOUNT
PICO RIVERA

POMONA
RANCHO PALOS VERDES
ROLLING HILLS
ROLLING HILLS ESTATES
ROSEMEAD
SAN DIMAS
SANTA CLARITA

SIGNAL HILL
SOUTH EL MONTE
SOUTH GATE
TEMPLE CITY
WALNUT
WEST HOLLYWOOD
WESTLAKE VILLAGE
WHITTIER

IT IS RECOMMENDED THAT YOUR BOARD, ACTING AS THE GOVERNING BODY OF THE CONSOLIDATED FIRE PROTECTION DISTRICT OF LOS ANGELES COUNTY:

Introduce, waive reading and schedule a public hearing regarding the attached ordinance, amending Title 12 of the Los Angeles County Code as described herein.

IT IS RECOMMENDED THAT YOUR BOARD, AFTER THE PUBLIC HEARING:

1. Find that the adjustment of the annual fees adopted for the purpose of meeting operational expenses is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 21080(b)(8) of the Public Resources Code and Section 15273 of Title 14, California Code of Regulations (CEQA guidelines).
2. Adopt the ordinance and ordain that the new and adjusted fees will take effect 30 days following its adoption.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

FEE ADJUSTMENT

The annual fee adjustments established in accordance with provisions in the County Code will accomplish the following:

1. Allocate fees based on program costs, staffing requirements, the time and activity needed to properly administer each program and fee group, and the number of facilities falling under each fee group.
2. Promote full cost recovery for the Cal-ARP, Hazardous Materials Handler, and Hazardous Waste Generator/Tiered Permitting programs that includes Investigation, Site Mitigation, and Emergency Operations services.
3. Facilitate the single fee billing process mandated by the Unified Program by establishing fair and equitable fees to be billed in FY 2010-11.
4. Provide the resources needed to adequately manage and regulate the growth in the number of facilities and environmental programs for which the Fire Department (District) is responsible.

The District implements the Hazardous Waste Generator/Tiered Permitting, Hazardous Materials Handler, and the Cal-ARP programs under the auspices of the Unified Program. State law and County Code allow for the recovery of reasonable and necessary costs to administer all applicable programs. Your Honorable Board established annual fees and adjustment provisions for these programs to recover the

costs of implementation. Cost recovery hourly rates were also established for emergency response and site mitigation oversight.

The annual adjustment provisions established in the County Code maintain the same fee methodology as originally established by your Board. The proposed adjustments incorporate changes in program costs that result from changes in salaries, employee Benefits and overhead rates, and the number of regulated facilities falling within each established fee category. Similarly, annual adjustments to cost recovery rates reflect changes in District costs to administer those services. For the last three fiscal years the District has not requested fee adjustments.

ORDINANCE CHANGES

The Aboveground Petroleum Storage Act (APSA) program was never fully implemented under the State Water Resources and Regional Water Quality Control Board (RWQCB). AB 1130 transferred regulatory responsibility to local Unified Program agencies. This ordinance implements the requirements of APSA. AB 1130 allows for the establishment of fees to recover program costs beginning with FY 2010-11. APSA fees are calculated based on program costs, staffing requirements, the time and activity needed to properly administer each fee group, and the estimated number of facilities falling under each fee group. This ordinance amends Title 12 of the Los Angeles County Code and establishes APSA fees and permit requirements within the County.

Title 12 is amended to exempt restaurants that store or handle less than 3500 cubic feet of refrigerated or 6000 cubic feet of compressed gas carbon dioxide. The use of carbon dioxide in restaurants for carbonated beverages poses minimal risk to human health and the environment at the State regulatory reporting level of 200 cubic feet of any compressed gas. Exempting restaurants ensures adequate oversight without endangering public health and the environment.

Title 12 is amended to change the method of determining the late payment date from the postmark date on the envelope to the date payment is actually received.

Implementation of Strategic Plan Goals

Fiscal Responsibility: Adoption of the proposed ordinance and fees will facilitate the recovery of implementation costs for all regulatory programs administered by the District. The fees allocate costs in a fair and equitable manner to the regulated community and promote compliance from every business subject to program requirements. Adoption will also facilitate the billing process for the single fee system mandated by the Unified Program.

Public Safety: Adoption of the ordinance will improve public health and safety through the uniform application of regulatory requirements. Facilities that are operating without inspection oversight and not in compliance with regulatory requirements pose a risk to the community by handling hazardous materials improperly.

FISCAL IMPACT/FINANCING

Fees are apportioned to ensure recovery of projected District operating costs. Current program costs are offset by a combination of fees and direct cost recovery billing for specific services. The proposed revisions in annual fees for the Hazardous Waste Generator/Tiered Permitting, Hazardous Materials Handler, and Cal-ARP programs combined with the addition of APSA program fees will allow recovery of the reasonable and necessary costs to implement these programs.

The regulation of carbon dioxide in the restaurant industry has been considered a low priority based on the volume of gas utilized. The District has recognized the increased risk resulting from use of refrigerated carbon dioxide cylinders and has identified applicable facilities for regulatory oversight. Additional costs will be offset by the permit fees paid by these facilities.

Grant monies were approved by the Board and received in 2008 for initial APSA program implementation. AB 1130 allows for the establishment of fees to recover program costs beginning with FY 2010-11. Additional costs will be offset by permit fees paid by APSA facilities and actual staffing requirements will be evaluated once the program is fully implemented.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

California Health and Safety Code (H&SC), Sections 25404.5(a) (2) and (3), grant authorization to the governing body of the local Certified Unified Program Agency (CUPA) to establish fees to recover reasonable and necessary program costs. The Auditor-Controller has reviewed and approved the cost basis and fee adjustments.

The fee revisions will be effective in all areas under the jurisdiction of the Los Angeles County CUPA for FY 2010-11. Invoices for these facilities will be generated and mailed during the fiscal year. The cities of Los Angeles and Santa Monica generate annual fee invoices for the Hazardous Waste Generator/Tiered Permitting Program and Orange County generates annual fee invoices for the Hazardous Materials Handler and Cal-ARP programs. Because the invoices were generated in July of 2010, fee increases will not apply to these jurisdictions in FY 2010-11.

This request for approval of the revised fees is made after compliance with all public notification and hearing requirements as specified in Sections 6062(a) and 66018 of the Government Code. Proposed ordinance language changes have been approved as to form by County Counsel.

To comply with the requirements of Section 66016, 66018 and 6062(a) of the Government Code, fee increases must be approved after the public hearing, at which oral or written presentations can be made. These code sections also require that the

notice of the public hearing, including a general explanation of the matter to be considered, and a statement that the data indicating the amount of the cost, or estimated cost required to provide the service for which the fee is levied, is available to the public and shall be mailed to all interested parties who file a written request for such, at least 14 days prior to the public hearing. As of the filing date of this item, no valid written request was on file either with the District or in the Executive Office of the Board of Supervisors.

Section 66016 also requires that, at least ten days prior to the public hearing, the local agency shall make data available to the public indicating the amount of cost or estimated cost required to provide the service for which the fee is levied. This data will be made available to the public at the County of Los Angeles Fire Department, Financial Management Division, 5801 South Eastern Avenue, Suite 130, Commerce, California 90040.

H&SC Section 25503.5(c)(2) allows the CUPA to exempt any hazardous substance from the business plan inventory provisions, including reporting thresholds, if the agency finds that the hazardous substance would not pose a present or potential danger to human health and safety if the hazardous substance was released into the environment.

ENVIRONMENTAL DOCUMENTATION

Adoption of these ordinances and the fee adjustments are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 21080(b) (8) of the Public Resources Code Section and Section 15273 of Title 14, California Code of Regulations.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The approval of the annual fee adjustments for the Hazardous Waste Generator/Tiered Permitting, Hazardous Materials Handler, APSA, Cal-ARP and cost recovery programs will serve to establish the reasonable and necessary fees for FY 2010-11, facilitate the fiscal year billing process mandated by the Unified Program, and assure full recovery of implementation costs. The annual adjustments fairly allocate changes in program costs to regulated facilities while maintaining the integrity of the original fee methodologies.

The approval of the APSA Ordinance allows the CUPA to fully implement the provisions of AB 1130 and establish fees for service.

The approval of the restaurant exemption for carbon dioxide ordinance will reduce the regulatory burden on small quantity handlers of carbon dioxide and concentrate CUPA oversight on higher risk handlers.

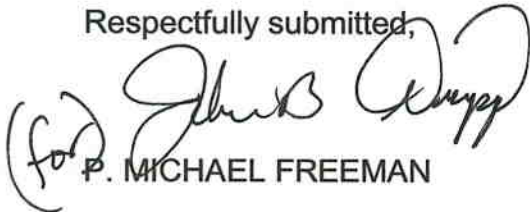
CONCLUSION

Upon approval by your Board, please electronically submit a Statement of Proceedings to the following:

Consolidated Fire Protection District of Los Angeles County
Executive Office
Business Operations

Chief Deputy Daryl L. Osby
dosby@fire.lacounty.gov

Respectfully submitted,


P. MICHAEL FREEMAN

PMF:yh

Attachments

c: Chief Executive Office
Auditor-Controller
County Counsel

HHMD FEES FOR FY 10-11

Hazardous Waste Generator Annual Fees				
Fee Category	Description	FY 09-10 Fee	FY 10-11 Fee	Change
1000	Silver Waste	\$286	\$295	\$9
1001 / 1101	0-5 Employees	\$571	\$590	\$19
1002 / 1102	6-19 Employees	\$794	\$828	\$34
1003 / 1103	20-100 Employees	\$1,081	\$1,131	\$50
1004 / 1104	101-500 Employees	\$1,569	\$1,644	\$75
1005 / 1105	>500 Employees	\$2,688	\$2,815	\$127

Tiered Permit Annual Fees				
Fee Category	Description	FY 09-10 Fee	FY 10-11 Fee	Change
CE	Conditionally Exempt	\$125	\$139	\$14
CA	Conditionally Authorized	\$899	\$916	\$17
PBR	Permit by Rule	\$1,285	\$1,308	\$23

Hazardous Material Handler Annual Fees				
Fee Category	Description	FY 09-10 Fee	FY 10-11 Fee	Change
3000	Small Quantity Handler	\$216	\$226	\$10
3001	Minor Handler	\$310	\$328	\$18
3002	Moderate Handler	\$396	\$420	\$24
3003	Major Handler	\$543	\$581	\$38
3004	Major Handler – Large Volume	\$768	\$829	\$61
3005	Major Handler – Complex	\$1,193	\$1,276	\$83

Aboveground Petroleum Storage Act Annual Fees				
Fee Category	Description		FY 10-11 Fee	
3701	< 10,000 gals		\$154	
3702	10,000 to 100,00 gals		\$492	
3703	100,001 to 1,000,000 gals		\$738	
3704	1,000,001 to 10,000,000 gals		\$984	
3705	10,000,001 to 100,000,000 gals		\$5,377	
3706	> 100,000,000 gals		\$11,238	

HHMD FEES FOR FY 10-11

Hourly Cost Recovery Charges and Miscellaneous Fees			
Description	FY 09-10 Fee	FY 10-11 Fee	Change
Emergency Response Initial Fee	\$466	\$466	\$0
Emergency Response Hourly Fee	\$117	\$139.35	\$22.35
Site Mitigation Initial Fee	\$1,974	\$1,974	\$0
Site Mitigation Hourly Fee	\$132	\$158.27	\$26.27
Re-inspection Fee	\$285	\$304	\$19
Late Submittal Fee	\$285	\$331	\$46

Cal ARP Annual Fees				
Fee Group	Risk Unit Range	FY 09-10 Fee	FY 10-11 Fee	Change
3501	0 - < 5	\$383	\$463	\$80
3502	5 - < 15	\$672	\$813	\$141
3503	15 - < 50	\$1,207	\$1,460	\$253
3504	50 - < 100	\$2,310	\$2,793	\$483
3505	100 - < 250	\$3,904	\$4,721	\$817
3506	250 - < 500	\$6,297	\$7,614	\$1,317
3507	500 - < 1,000	\$11,401	\$13,786	\$2,385
3508	1,000 - < 3,000	\$17,414	\$21,057	\$3,643
3509	3,000 - < 10,000	\$23,239	\$28,100	\$4,861
3510	> = 10,000	\$29,048	\$35,125	\$6,077

NOTICE OF INSTRUCTIONS

Section 66018 of the California Government Code requires that when there is an increase of an existing fee, a local agency shall hold a public meeting as part of a regularly scheduled meeting. Notice of the time and place of the meeting, including a general explanation of the matter to be considered, shall be published in accordance with Section 6062(a). Section 6062(a) states that publication of notice pursuant to this section shall be for 10 days in a newspaper regularly published once a week or more often. The period of notice commences upon the first day of publication and terminates at the end of the tenth day, including therein the first day.

Therefore, the Los Angeles County Fire Department, respectfully requests that the Executive Office of the Board of Supervisors publish the provided Notice of Public Hearing Proposed Fee Schedule with the County's contract newspaper to be in compliance with the above sections of the Government Code.

NOTICE OF PUBLIC HEARING PROPOSED FEE SCHEDULE

Notice is hereby given that a public hearing will be held by the Board of Supervisors of the County of Los Angeles regarding an ordinance to adopt new annual fees to be paid by businesses generating hazardous waste or handling hazardous materials in Los Angeles County, and the hourly rates to be paid for hazardous material emergency response, site mitigation oversight, and risk management plan review cost recovery programs. Said public hearing will be held on Tuesday, September 28, 2010 at 9:30 a.m. in the Hearing Room of the Board of Supervisors, Room 381B, Kenneth Hahn Hall of Administration, 500 West Temple Street (corner of Temple Street and Grand Avenue), Los Angeles, California 90012.

Data indicating the estimated cost required to provide the service shall be made available to the public at least ten (10) days prior to the hearing. The data will be available at the County of Los Angeles Fire Department, Financial Management Division, 5801 South Eastern Avenue, Suite 130, Commerce, CA 90040.

The Board of Supervisors will consider and may adopt the ordinance. Further, notice is given that the Board of Supervisors may continue this hearing from time to time.

Notice is further given that copies of the County of Los Angeles Code and the proposed amendments being considered for adoption are on file in the Executive Office of the Board of Supervisors, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California and are open for public inspection.

Written comments may be sent to the Executive Office of the Board of Supervisors at Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California, 90012.

For further information, please call the Los Angeles County Fire Department, Health Hazardous Materials Division, (323) 890-4045.

Si no entiende esta noticia o si necesita mas informacion favor de llamar a este numero (323) 890-4045.

SACHI A. HAMAI
EXECUTIVE OFFICER – CLERK OF
THE BOARD OF SUPERVISORS



ORDINANCE

Amending Various Sections of Title 12 of
the Los Angeles County Fire Code

SUBJECT

[1252070SKCC]

BOS Template File Name

APPROVED:

INITIAL

DATE

COUNTY COUNSEL
ATTORNEY

JSK

6/1/10

ASSISTANT
COUNTY COUNSEL

RDW

6/17/10

SENIOR ASSISTANT
COUNTY COUNSEL

JLC

7/30/10

LEELA A. KAPUR
CHIEF DEPUTY
COUNTY COUNSEL

LAK

7/30/10

WEBSITE:

YES ☐

NO ☒

Please initial and date above before submitting for signatures.

This Routing Sheet is to be attached to the file copy as a
permanent record.

Please PDF entire document including attachments and the routing slip and
rename accordingly. Email PDF document to Distribution-Non-Litigation.

6/1/10

d.a.d. 6/24/10

UC 7/30/10



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

ANDREA SHERIDAN ORDIN
County Counsel

August 2, 2010

TELEPHONE
(213) 974-1852
FACSIMILE
(213) 613-4751
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(213) 633-0901
E-MAIL
skuhn@counsel.lacounty.gov

P. Michael Freeman, Fire Chief
Los Angeles County Fire Department
1320 North Eastern Avenue
Los Angeles, California 90063

**Re: Ordinance Amending Various Sections of Title 12
of the Los Angeles County Fire Code**


Dear Chief Freeman:

As you requested, enclosed are the analysis and ordinance amending Title 12 – Environmental Protection of the Los Angeles County Code to revise fees for hazardous materials, hazardous waste, site mitigation, and the California Accidental Release Prevention programs; changing the method for determining a late payment; and adding a new permitting program and associated fees for aboveground petroleum storage tanks.

The analysis and ordinance may be presented to the Board of Supervisors for its consideration at a noticed public hearing.

Very truly yours,

ANDREA SHERIDAN ORDIN
County Counsel

By 
SCOTT KUHN
Senior Deputy County Counsel
Property Division

APPROVED AND RELEASED:


LEELA A. KAPUR
Chief Deputy County Counsel

SK:gh
Enclosures
HOA.697155.2

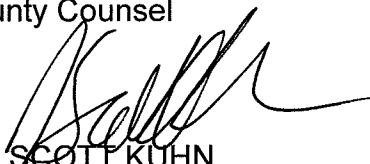
ANALYSIS

This ordinance amends Title 12 – Environmental Protection of the Los Angeles County Code by revising the fees for the hazardous materials, hazardous waste, site mitigation, and the California Accidental Release Prevention programs; changing the method for determining the timing of a late payment; and adding a new permitting program and associated fees for aboveground petroleum storage tanks.

Very truly yours,

ANDREA SHERIDAN ORDIN
County Counsel

By



SCOTT KUHN
Senior Deputy County Counsel
Property Division

SK:gjh

05/10/10 (Requested)

07/27/10 (Revised)

ORDINANCE NO. _____

An ordinance amending Title 12 – Environmental Protection of the Los Angeles County Code relating to increasing fees for the hazardous materials, hazardous waste, site mitigation, and the California Accidental Release Prevention programs; changing the method for determining a late payment; and to add a new permitting program for aboveground petroleum storage tanks.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 12.50.010 is hereby amended to read as follows:

12.50.010 Definitions.

The following definitions govern the construction of this chapter:

...

R. "Unified program facility permit" or "permit" means a consolidated permit issued pursuant to this chapter. For the purposes of this chapter, a unified program facility permit encompasses the permits issued pursuant to: section 25284 of the ~~H&SC~~California Health and Safety Code and Division 4 of Title 11 of the County Code relating to the underground storage of hazardous materials; Chapter 12.52 of the County Code relating to the generation or handling of hazardous waste or extremely hazardous waste; Chapter 12.64 of the County Code relating to handling of hazardous materials or acutely hazardous materials; Chapter 12.70 of the County Code relating to the aboveground storage of petroleum; and those city codes or resolutions related to the unified program elements administered by those cities as participating agencies to the LACoCUPA.

SECTION 2. Section 12.50.030 is hereby amended to read as follows:

12.50.030 Program elements.

The provisions of this chapter apply to the following unified program elements which have been consolidated under the Act:

. . .

B. Aboveground Petroleum Storage-Tank Program, ~~Spill Prevention, Control and Countermeasures Plan~~ set forth in Chapter 6.67 of Division 20 of the ~~H&SC~~ California Health and Safety Code and in accordance with the requirements of the implementation plan;

. . .

SECTION 3. Section 12.50.040 is hereby amended to read as follows:

12.50.040 Program element eCounty codes and fees.

A. The annual fees for the program elements administered by the LACoCUPA under the single fee system shall be established by the following chapters of the eCounty eCode:

. . .

4. The fees established in Title 12, Environmental Protection, Chapter 12.70, Aboveground Petroleum Storage, of the Los Angeles County Code shall apply to the Aboveground Petroleum Storage Program as referenced in Section 12.50.030 B of this chapter.

. . .

SECTION 4. Section 12.50.060 is hereby amended to read as follows:

12.50.060 Late payment penalty.

If any fee required to be paid pursuant to Sections 12.50.040, 12.50.050, and 12.50.075 of this chapter is not paid in full prior to the delinquency date as defined in Section 12.50.055 of this chapter, in addition to such fee(s), the facility or permittee shall pay a late payment penalty equal to 40 percent of the total assessed fee(s). If payment is made by mail, the date of payment is ~~determined by the postmark~~the date payment is received.

SECTION 5. Section 12.52.070 is hereby amended to read as follows:

12.52.070 Fees to be paid by hazardous waste generators.

A. Beginning with the ~~200710-200811~~ fiscal year, the annual fee, for the issuance of a unified program facility permit for the hazardous waste program element required to be paid to the ~~f~~Forester and ~~f~~Fire wWarden by every person, business, or business concern generating or handling a hazardous or extremely hazardous waste shall be as follows:

Fee Group	Number of Employees	Annual Fee
1	0 to 5	\$571.00 <u>590.00</u>
2	6 to 19	794.00 <u>828.00</u>
3	20 to 100	1,081.00 <u>1,131.00</u>
4	101 to 500	1,569.00 <u>1,644.00</u>
5	501 or more	2,688.00 <u>2,815.00</u>

Exception:

Every person, business, or business concern generating or handling a hazardous waste which is hazardous solely due to the presence of silver and which generates no other hazardous wastes shall be charged a fee equal to one-half the amount of the ~~f~~Fee Group 1 fee. Beginning with the 200710-200811 fiscal year, this fee shall be ~~\$286.00~~295.00.

B. Beginning with the 200710-200811 fiscal year, the annual fee required to be paid to the ~~f~~Forester and ~~f~~Fire wWarden by every person, business, or business concern that is a hazardous waste generator conducting treatment of hazardous waste under the Act shall be based on the highest tier of permit required in descending order as follows:

Permit Tier	Annual Fee
(1) Permit by Rule (PBR)	\$1,285.00 <u>1,308.00</u>
(2) Conditional Authorization (CA)	899.00 <u>916.00</u>
(3) Conditional Exemption (CE)	125.00 <u>139.00</u>

C. Every hazardous waste generator that has been issued a notice of violation as specified in Section 12.52.015.~~OP~~ of this chapter and has failed to correct the violation(s) or deviation(s) by the correction date as set forth in the notice of violation may be charged a reinspection fee for each reinspection required to verify compliance

with the notice of violation. Beginning with fiscal year ~~2005~~10-~~2006~~11, the reinspection fee shall be ~~\$285.00~~\$304.00.

D. Beginning with the ~~2000~~10-~~2001~~11 fiscal year, the schedule of fees contained in this section may be adjusted annually by the following procedures:

...

SECTION 6. Section 12.52.080 is hereby amended to read as follows:

12.52.080 Permit--Penalty for late fee payment.

If any fee required to be paid pursuant to Sections 12.52.040, 12.52.060, or 12.52.070 of this chapter is not paid in full prior to the delinquency date as defined in Section 12.52.075 of this chapter, in addition to such fee, the applicant shall pay a late fee equal to 40 percent of the total assessed fee(s). If payment is made by mail, the date of payment is ~~determined by the postmark~~the date payment is received.

SECTION 7. Section 12.56.020 is hereby amended to read as follows:

12.56.020 Emergency response cost recovery.

...

B. Any person whose intentional or negligent action caused the incident, as specified in Section 12.56.020A, shall be assessed an administrative charge for the response and additional emergency response charges, based upon hourly personnel costs, as approved by the ~~e~~County ~~a~~Auditor-~~e~~Controller, to recover the costs incurred by the ~~f~~Forester and ~~f~~Fire ~~w~~Warden to protect the public from threats to public health and safety and any actions to confine, prevent, or mitigate the release, escape, burning, or threatened release of a hazardous material. Beginning in fiscal year ~~2007~~10-~~08~~11,

the administrative charge shall be \$466.00 and the personnel hourly rates shall be as charged at the rate of \$116.67 ~~\$139.35~~ per hour.

. . .

SECTION 8. Section 12.56.060 is hereby amended to read as follows:

12.56.060 Late payment.

If any charge required to be paid pursuant to this chapter is not paid prior to the 31st day after the date of the first invoice requesting payment of the charged delinquency date as defined in Section 12.52.075, in addition to such charge, the person shall pay a penalty equal to 40 percent of the charge. Date of payment is ~~determined by~~ postmark the date payment is received.

SECTION 9. Section 12.56.067 is hereby amended to read as follows:

12.56.067 Late payment--Lien against person authorized when.

If any charge and late payment penalty imposed pursuant to this Chapter 12.56 is not paid within ~~6~~30 days after the delinquency date of the first invoice requesting payment of the charge as defined in Section 12.52.075, a certificate of lien, as authorized by section 101345 of the California Health and Safety Code, may be recorded ~~against~~ upon all real property in the County owned or later acquired by any person whose intentional or negligent action caused the incident as described in Section 12.56.020.

SECTION 10. Section 12.60.050 is hereby amended to read as follows:

12.60.050 Site mitigation oversight fees.

. . .

B. The responsible party or person requesting oversight shall be assessed an initial oversight fee to recover the costs of the fForester and fFire wWarden to initially review and analyze the site, submitted site assessment reports, site history, and determine site regulatory requirements, site priority, and lead agency status. This fee shall be based upon average hourly personnel costs incurred by the fForester and fFire wWarden to conduct this initial review, as approved by the eCounty aAuditor-eController. Beginning in fiscal year 200710-0811, this fee shall be \$1,974.00 for each site accepted by the fForester and fFire wWarden.

C. The responsible party or the person requesting oversight by the hHealth hHazardous mMaterials dDivision's site mitigation unit shall be required to pay oversight fees, based upon hourly personnel costs incurred by the fForester and fFire wWarden to review and oversee site assessment and remediation activities over and above the initial review fee in Section 12.60.050 B, as approved by the eCounty aAuditor-eController. Beginning in fiscal year 200710-0811, the hourly rate shall be \$131.58158.27.

SECTION 11. Section 12.60.060 is hereby amended to read as follows:

12.60.060 Late payment.

If any fee required to be paid pursuant to this chapter is not paid prior to the 31st day after the date of the first invoice requesting the fee delinquency date as defined in Section 12.52.075, in addition to such fee, the applicant shall pay a penalty equal to 40 percent of the total assessed fee(s). Date of payment is determined by postmark the date payment is received.

SECTION 12. Section 12.60.062 is hereby amended to read as follows:

**12.60.062 Late payment--Lien against responsible party or person
requesting oversight authorized when.**

If any fee and late payment penalty imposed pursuant to this Chapter 12.60 is not paid within 630 days after the date of the first invoice requesting payment of the fee delinquency date as defined in Section 12.52.075, a certificate of lien, as authorized by section 101345 of the California Health and Safety Code, may be recorded against upon all real property in the County owned or later acquired by the responsible party or person requesting oversight, as specified in Section 12.60.050.

SECTION 13. Section 12.64.010 is hereby amended to read as follows:

12.64.010 Definitions.

The following definitions govern the construction of this chapter:

...

B. "Administering agency" means the ~~h~~H~~ealth~~ ~~h~~H~~azardous~~ ~~m~~M~~aterials~~ ~~d~~D~~ivision~~ of the ~~f~~F~~orester~~ and ~~f~~F~~ire~~ ~~w~~W~~arden~~ acting as the Certified Unified Program Agency as defined in Section 12.50.010 and the local agency authorized pursuant to Section 25502 of the Act to implement and enforce the Act.

C. "Business" means an employer, self-employed individual, trust, firm, joint stock company, corporation, partnership, limited liability company, or association.

"Business" includes a business organized for profit and a nonprofit business.

"Business" also includes every governmental agency.

D. "Chief" means the dDivision cChief of the hHealth hHazardous mMaterials eDivision of the fForester and fFire wWarden. "Chief" also means any authorized representative of the fForester and fFire wWarden charged with the enforcement of the Act.

E. "Compressed gas" shall have the same meaning as defined in Section 3002.1 of Title 32, Fire Code, of the Los Angeles County Code.

EE. "Covered process" means a process that has a regulated substance present in more than a threshold quantity.

EG. "Forester and fFire wWarden" means the fForester and fFire wWarden of the eCounty of Los Angeles and the Consolidated Fire Protection District of Los Angeles County.

GH. "Handle" means to use, generate, process, produce, package, treat, store, emit, discharge, or dispose of a hazardous material or regulated substance in any fashion and includes the use or potential use of a quantity of hazardous material or regulated substance by the connection of any marine vessel, tank vehicle, tank car, or container to a system or process for any of the above purposes or activities.

HI. "Handler" means any business which handles a hazardous material or regulated substance.

IJ. "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to,

hazardous substances, hazardous waste, and any material which a handler or the administering agency has reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or environment.

~~J~~K. "Notice of violation" means a written notice issued to a handler or a business with a covered process by an authorized representative of the ~~f~~Forester and ~~f~~Fire ~~w~~Warden in the course of conducting an inspection which:

1. Identifies violations of the Act or deviations from minimum standards and regulations adopted pursuant to the Act;
2. Is presented to a person who is an owner or employee of the business being inspected; and
3. States the nature of the violations or deviations, the means by which compliance with the permit conditions, rules, regulations, standards, or other requirements cited by the inspector may be achieved, and a time limit in which to comply, which shall not exceed 30 days.

~~K~~L. "Permittee" shall have the same meaning as defined in Section 12.50.010.

~~L~~M. "Process" means any activity involving a regulated substance, including any use, storage, manufacturing, handling, or onsite movement of the regulated substance or any combination of these activities. For the purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located so that a regulated substance could be involved in a potential release, shall be considered a single process.

MN. "Qualified person" means a person who is qualified to attest, at a minimum, to the completeness of an RMP.

NO. "Regulated substance" or "RS" means any substance as defined in section 25532(g) of the Act.

OP. "Regulated substances accident risk" means a potential for the accidental release of a regulated substance into the environment that could produce a significant likelihood that persons exposed may suffer acute health effects resulting in significant injury or death.

Q. "Restaurant" shall have the same meaning as defined in section 11.02.320 of Title 12, Health and Safety, of the Los Angeles County Code.

PR. "Risk management plan" or "RMP" means the risk management plan required under Part 68 (commencing with section 68.1) of Subchapter C of Chapter I of Title 40 of the Code of Federal Regulations and the California Health and Safety Code, Chapter 6.95, Article 2.

QS. "State threshold quantity" means the quantity of a regulated substance adopted by the State Office of Emergency Services pursuant to section 25543.1 or 25543.3 of the Act. Until the office adopts a state threshold quantity for a regulated substance, the state threshold quantity shall be the threshold planning quantity for the regulated substance specified in Appendix A of Part 355 of Subchapter J of Chapter I of Title 40 of the Code of Federal Regulations.

RT. "Stationary source" means any stationary source, as defined in section 68.3 of Title 40 of the Code of Federal Regulations.

SU. "Threshold quantity" or "TQ" means the quantity of a regulated substance that is determined to be present at a stationary source in the manner specified in section 68.115 of Title 40 of the Code of Federal Regulations and that is the lesser of either of the following:

1. The threshold quantity for the regulated substance specified in section 68.130 of Title 40 of the Code of Federal Regulations;
2. The state threshold quantity.

TV. "Unified program facility permit" shall have the same meaning as defined in Section 12.50.010.

SECTION 14. Section 12.64.040 is hereby amended to read as follows:

12.64.040 Annual fees to be paid by handlers of hazardous materials.

Beginning with the 200710-0811 fiscal year, the annual fee required to be paid to the ~~f~~Forester and ~~f~~Fire ~~w~~Warden by every handler of hazardous materials for the administration and enforcement of the provisions of the Act shall be as follows:

Fee Group	Total Quantity of Hazardous Materials Handled at Any One Time During the Reporting Year	Annual Fee
I	Small Quantity Handler	\$216.00 <u>226.00</u>
	55--500 gallons or	
	500--5,000 pounds or	
	200--2,000 cubic feet or	

Fee Group	Total Quantity of Hazardous Materials Handled at Any One Time During the Reporting Year	Annual Fee
	TQ or greater quantity of a RS if less than 500 pounds	
	And no more than one hazardous material handled	
II	Minor Handler	310.00 <u>328.00</u>
	55--500 gallons or	
	500--5,000 pounds or	
	200--2,000 cubic feet or	
	TQ or greater quantity of a RS if less than 500 pounds	
	And more than one hazardous material handled	
III	Moderate Handler	396.00 <u>420.00</u>
	501--2,750 gallons or	
	5,001--25,000 pounds or	
	2,001--10,000 cubic feet	
IV	Major Handler	543.00 <u>581.00</u>
	2,751--50,000 gallons or	
	25,001--500,000 pounds or	
	10,001--200,000 cubic feet	

Fee Group	Total Quantity of Hazardous Materials Handled at Any One Time During the Reporting Year	Annual Fee
V	Major Handler--Large Volume	768.00 <u>829.00</u>
	50,001 gallons and over or	
	500,001 pounds and over or	
	200,001 cubic feet and over	
VI	Major Handler--Complex	4,193.00 <u>1,276.00</u>
	175,001 gallons and over or	
	700,001 pounds and over or	
	250,001 cubic feet and over or	
	A total quantity of two or more hazardous materials when expressed in or converted to pounds that equals 500,000 pounds or greater;	
	AND	
	Which is either a refinery, chemical plant, distillery, bulk plant, or terminal as defined herein.	

...

VII	Exempt Handler Less than 55 gallons and Less than 500 pounds and Less than 200 cubic feet and, For RS, Less than TQ quantity of RS	No Fee
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Exemption 1:

Any facility with underground fuel tanks, regardless of quantity shall be considered to be a Fee Group II facility, unless the total quantity of hazardous materials handled other than motor vehicle fuels at any one time during the reporting year exceeds the Fee Group II quantity limits in which event the facility shall fall into the appropriate Fee Group category above based upon the total quantity of hazardous materials handled other than motor vehicle fuels.

Exemption 2:

When a business is a farm which both receives from and submits its business plan and/or inventory forms directly through the County Agricultural Commissioner, any fees, annual adjustments, or late fees shall be established by and paid to the County Agricultural Commissioner.

Exemption 3:

Any person, business, or business concern which conducts, exclusively for charitable purposes, an activity for which a fee is required under this chapter and from which no person benefits through the distribution of profits, payment of excessive charges or compensation, or the more advantageous pursuit of their business, or profession shall not be charged any fee. Facts supporting entitlement to such exemption from a fee requirement shall be shown by affidavit filed with the fForester and fFire wWarden. Any person, business, or business concern which conducts an activity for which a fee is required to be paid by this chapter shall be deemed to qualify for a fee exemption if it

complies with ~~§~~section 214 of the California Revenue and Taxation Code as now and hereafter amended.

Exemption 4:

Any person, business, or business concern operating a restaurant that handles/stores carbon dioxide in quantities not exceeding the following thresholds shall be exempted from the requirement:

(a) Carbon dioxide non-liquefied compressed gas used for carbonation of beverages and stored in quantities of not more than 6,000 cubic feet at standard temperature and pressure.

(b) Carbon dioxide liquefied compressed gas (refrigerated) used for carbonation of beverages and stored in quantities of not more than 3,500 cubic feet at standard temperature and pressure.

Exception:

~~When a business is a farm which both receives from and submits its business plan and/or inventory forms directly through the office of the county agricultural commissioner, any fees, annual adjustments or late fees shall be established by and paid to the office of the county agricultural commissioner.~~

SECTION 15. Section 12.64.045 is hereby amended to read as follows:

12.64.045 Reinspection fees to be paid by handlers of hazardous materials.

Every hazardous materials handler or any business with a covered process that has been issued a notice of violation pursuant to Section 12.64.010 J of this chapter

and has failed to correct the violations or deviations by the correction date as set forth in the notice of violation may be charged a reinspection fee for each reinspection required to verify compliance with the notice of violation. Beginning in fiscal year 2005~~10~~-2006~~11~~, the reinspection fee shall be \$~~285.00~~304.00.

SECTION 16. Section 12.64.050 is hereby amended to read as follows:

12.64.050 Additional fees--Regulated substances.

A. Every business with a covered process shall in addition to the fee specified in Section 12.64.040, be required to pay an annual RS fee to the ~~f~~Forester and ~~f~~Fire wWarden for the administration and enforcement of RS registration, risk assessment, and risk mitigation in accordance with compliance under the Act.

B. Beginning with the 2007~~10~~-08~~11~~ fiscal year, the annual fee for the issuance of a unified program facility permit for a stationary source, required to be paid to the ~~f~~Forester and ~~f~~Fire wWarden by every person, business, or business concern handling, storing, or using a regulated substance above threshold quantities (RS fee) shall be as follows:

Fee Group	Risk Unit	Annual Fee
I	>0 and <5	\$383.00 <u>463.00</u>
II	=>5 and <15	672.00 <u>813.00</u>
III	=>15 and <50	1,207.00 <u>1,460.00</u>
IV	=>50 and <100	2,310.00 <u>2,793.00</u>
V	=>100 and <250	3,904.00 <u>4,721.00</u>
VI	=>250 and <500	6,297.00 <u>7,614.00</u>

Fee Group	Risk Unit	Annual Fee
VII	=>500 and <1,000	11,401.00 <u>13,786.00</u>
VIII	=>1,000 and <3,000	17,414.00 <u>21,057.00</u>
IX	=>3,000 and <10,000	23,239.00 <u>28,100.00</u>
X	=>10,000	29,048.00 <u>35,125.00</u>

...

SECTION 17. Section 12.64.060 is hereby amended to read as follows:

12.64.060 Late submission fee.

A late submission fee shall apply to the filing requirements of both the business plan and inventory and to the RS registration requirements as follows:

Each handler failing to submit the required hazardous materials business plan or inventory documents and each stationary source failing to submit the required RS reporting documents in accordance with the established due date and reporting requirements of the administering agency as specified in Section 12.64.030 shall be levied a late submission fee commensurate to the additional administrative costs as determined by the administering agency and approved by the ~~e~~County ~~a~~Auditor-eController. The date of submission is determined by the ~~postmark date if mailed or the date payment is received if hand-carried~~. The late submission fee shall be ~~\$285.00~~331.00.

SECTION 18. Section 12.64.065 is hereby amended to read as follows:

12.64.065 Late payment penalty.

If any fee required to be paid pursuant to Sections 12.64.040 through 12.64.060 of this chapter is not paid prior to the ~~61st day after the date of the first invoice requesting payment of the fee~~delinquency date as defined in Section 12.52.075, in addition to such fee, the handler shall pay a penalty equal to 40 percent of the total assessed fee(s). Date of payment is ~~determined by postmark~~the date payment is received.

SECTION 19. Section 12.64.067 is hereby amended to read as follows:

12.64.067 Late fee payment--Lien authorized when.

If any fee and late fee required to be paid by this chapter are not paid within ~~630~~ days after the ~~date of the first invoice requesting payment of the fee~~delinquency date as defined in Section 12.52.075, a certificate of lien may be recorded ~~against~~upon all real property in the County owned or later acquired by the permittee or person liable for payment of such fee(s) and any late payment penalty as authorized by section 101345 of the California Health and Safety Code.

SECTION 20. Chapter 12.70 is hereby added to read as follows:

Chapter 12.70

Aboveground petroleum storage

Sections:

- | | |
|------------------|---|
| 12.70.010 | Definitions. |
| 12.70.020 | Designation as administering agency. |
| 12.70.030 | Permit--Application requirements. |
| 12.70.040 | Compliance required. |

12.70.050	Annual fees to be paid by operators of a tank facility.
12.70.060	Reinspection fees to be paid by operators of a tank facility.
12.70.070	Period to which fees apply.
12.70.080	Late payment penalty.
12.70.090	Late fee payment--Lien authorized when.
12.70.100	Fee schedule--annual adjustment procedure.
12.70.110	Permit--Period of validity--Renewals.
12.70.120	Disputes and appeals of assessed fee.
12.70.130	Collection and accounting requirements.
12.70.140	Re-issuance of a lost permit.
12.70.150	Severability.

12.70.010 Definitions.

The following definitions govern the construction of this chapter:

- A. "Aboveground storage tank" shall have the same meaning as defined in section 25270.2(a) of Division 20 of the California Health and Safety Code.
- B. "Act" means the Aboveground Petroleum Storage Act (APSA), Chapter 6.67 (commencing with section 25270) of Division 20 of the California Health and Safety Code.
- C. "Administering agency" means the Health Hazardous Materials Division of the Forester and Fire Warden acting as the Certified Unified Program Agency as defined in Section 12.50.010, and the local agency authorized pursuant to section 25270.4 of the Act to implement and enforce the Act.
- D. "Business" means an employer, self-employed individual, trust, firm, joint stock company, corporation, partnership, limited liability company, or association. "Business" includes a business organized for profit and a nonprofit business. "Business" also includes every governmental agency.

E. "Chief" means the Division Chief of the Health Hazardous Materials Division of the Forester and Fire Warden. Chief also means any authorized representative of the Forester and Fire Warden charged with the enforcement of the Act.

F. "Forester and Fire Warden" means the Consolidated Fire Protection District of Los Angeles County and the Forester and Fire Warden of the County of Los Angeles, (collectively known as the "Los Angeles County Fire Department"), or any representative of the Forester and Fire Warden duly authorized to carry out the provisions of this chapter.

G. "Handler" means any business which handles a hazardous material or regulated substance.

H. "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material which a handler or the administering agency has reasonable basis for believing it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or environment.

I. "LACoCUPA" means the Forester and Fire Warden as the designated agency certified by the Secretary of the California Environmental Protection Agency to

implement the unified program specified in this chapter within the County of Los Angeles.

J. "Notice of violation" means a written notice issued to a handler or a business with a covered process by an authorized representative of the Forester and Fire Warden in the course of conducting an inspection which:

1. Identifies violations of the Act or deviations from minimum standards and regulations adopted pursuant to the Act;
2. Is presented to a person who is an owner or employee of the business being inspected; and
3. States the nature of the violations or deviations, the means by which compliance with the permit conditions, rules, regulations, standards, or other requirements cited by the inspector may be achieved, and a time limit in which to comply, which shall not exceed 30 days.

K. "Operator" shall have the same meaning as defined in section 25270.2(d) of Division 20 of the California Health and Safety Code.

L. "Permittee" means any person who is issued a unified program facility permit.

M. "Person" shall have the meaning set forth in section 25118 of the California Health and Safety Code and means an individual, trust, firm, joint stock company, business concern, partnership, limited liability company, association, and corporation, including, but not limited to, a government corporation. "Person" also includes any city, county, district, commission, state, or any department, agency, or

political subdivision thereof, any interstate body, and the federal government or any department or agency thereof to the extent permitted by law.

N. "Petroleum" shall have the same meaning as defined in section 25270.2(g) of Division 20 of the California Health and Safety Code.

O. "Spill prevention control and countermeasure plan" shall have the same meaning as defined in Part 112 (commencing with section 112.1) of Subchapter D of Chapter I of Title 40 of the Code of Federal Regulations.

P. "Tank facility" shall have the same meaning as defined in section 25270.2(m) of Division 20 of the California Health and Safety Code.

Q. "Unified program facility permit" shall have the same meaning as defined in Section 12.50.010.

12.70.020 Designation as administering agency.

The Forester and Fire Warden since the inception of the administration of the Act by the County of Los Angeles has been and is the designated administering agency for the County of Los Angeles charged with the responsibility of administering and enforcing the provisions of the Act.

12.70.030 Permit--Application requirements.

Every person, business, or business concern within the jurisdiction of the LACoCUPA falling within the requirements of this chapter shall be required annually to obtain from the LACoCUPA a unified program facility permit in accordance with Chapter 12.50 of this code and pay any fees as required by this chapter before operating a tank facility.

12.70.040 Compliance required.

Every business shall comply with the reporting requirements set forth by the LACoCUPA relating to petroleum under the Act. The required reporting includes the initial submission of the tank facility statement within 30 days of the commencement of operation of the business.

12.70.050 Annual fees to be paid by operators of a tank facility.

Beginning with the 2010-2011 fiscal year, the annual fee required to be paid to the Forester and Fire Warden by the operator of each tank facility for the administration and enforcement of the provisions of the Act shall be as follows:

Fee Group	Total Quantity of Petroleum in Aboveground Storage Tanks at Each Tank Facility During the Reporting Year	Annual Fee for Each Tank Facility
I	Less than 10,000 gallons	\$154.00
II	10,000 to 100,000 gallons	\$492.00
III	100,001 to 1,000,000 gallons	\$738.00
IV	1,000,001 to 10,000,000 gallons	\$984.00
V	10,000,001 to 100,000,000 gallons	\$5,377.00
VI	More than 100,000,000 gallons	\$11,238.00
VII	Exempt Handler Less than 1,320 gallons	No Fee

Exemption:

Any person, business, or business concern which conducts, exclusively for charitable purposes, an activity for which a fee is required under this chapter and from which no person benefits through the distribution of profits, payment of excessive charges or compensation, or the more advantageous pursuit of their business or profession shall not be charged any fee. Facts supporting entitlement to such exemption from a fee requirement shall be shown by affidavit filed with the Forester and Fire Warden. Any person, business, or business concern which conducts an activity for which a fee is otherwise required to be paid by this chapter shall be deemed to qualify for a fee exemption if it complies with section 214 of the California Revenue and Taxation Code as now and hereafter amended.

12.70.060 Reinspection fees to be paid by operators of a tank facility.

Every operator of a tank facility that has been issued a notice of violation pursuant to this chapter and has failed to correct the violations or deviations by the correction date as set forth in the notice of violation may be charged a reinspection fee for each reinspection required to verify compliance with the notice of violation.

Beginning in fiscal year 2010-2011, the reinspection fee shall be \$304.00.

12.70.070 Period to which fees apply.

The annual fees required by Section 12.70.050 are based upon the information contained in the most recent required submission of the tank facility statement or inventory of hazardous materials on file with the Forester and Fire Warden at the time the fees are determined. The quantity reported is considered to be current inventory or

potential inventory unless amended as required pursuant to section 25270.6(a) of the Act. There are no provisions for partial year fees. There are no refunds for fees paid.

12.70.080 Late payment penalty.

If any fee required to be paid pursuant to Sections 12.70.050 through 12.70.070 of this chapter is not paid prior to the delinquency date as defined in Section 12.52.075, in addition to such fee, the handler shall pay a penalty equal to 40 percent of the total assessed fee(s). Date of payment is the date payment is received.

12.70.090 Late fee payment--Lien authorized when.

If any fee and late fee required to be paid by this chapter are not paid within 30 days after the delinquency date as defined in Section 12.52.075, a certificate of lien may be recorded upon all real property in the County owned or later acquired by the permittee or person liable for payment of such fee(s) and any late payment penalty as authorized by section 101345 of the California Health and Safety Code.

12.70.100 Fee schedule--annual adjustment procedure.

The fees contained in Sections 12.70.050 through 12.70.070 inclusive shall be adjusted annually by the following procedure:

The annual adjustment shall be the result of computing the change in the annualized cost to the administering agency for administering the program, where "annualized cost" is defined as the program cost which includes applicable salary, employee benefits, and overhead calculated from rates contained in the administering agency's rate package, as approved by the Auditor-Controller.

The program cost is annually reallocated among operators based upon the number of operators in each fee group and time involved in administering the program.

12.70.110 Permit--Period of validity--Renewals.

Unified program facility permits for the hazardous materials program element required by this chapter shall be issued for a period of one year. A valid permit shall be renewable from year to year upon payment, on or before the delinquency date contained in the invoice for each such year, of the fees assessed pursuant to Section 12.70.050 of this chapter, or upon payment of such fees plus any late payment penalty imposed pursuant to Section 12.70.080 of this chapter, provided the facility is in compliance with all conditions and limitations of such permit. Unified program facility permits shall be deemed to have expired if payment of the renewal fees and applicable penalties has not been made on or before the delinquency date of the invoice. The delinquency date is defined as the 61st day after the date of the invoice.

12.70.120 Disputes and appeals of assessed fee.

Any dispute or appeal of the fees and late fees described in Sections 12.70.050, 12.70.060, 12.70.080, and 12.70.090 of this chapter shall be handled in accordance with the procedures for handling disputes and appeals of unified program facility fees specified in Section 12.50.140 of the County Code.

12.70.130 Collection and accounting requirements.

All payments made pursuant to this chapter shall be collected and accounted for in accordance with the requirements of the County Treasurer-Tax Collector and the County Auditor-Controller.

12.70.140 Re-issuance of a lost permit.

Where a unified program facility permit has been lost, the chief shall issue a duplicate permit to the owner thereof upon submittal of a complete application and, in addition to any other requirements in this chapter, payment of all required and past due fee and penalties, and payment of a \$15.00 permit re-issuance fee.

12.70.150 Severability.

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

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